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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

THE PULIZ COMPANIES, INC., a Nevada corporation,

Plaintiff

vs.

RENEWABLE ENERGY PARK LLC, a Wyoming limited liability company, REP NOTE HOLDERS LLC, a Wyoming limited liability company, TERRASCALE INC., a Delaware corporation, STEPHEN HOSHIMI, an individual, KEVIN ANNIS, an individual, KAYA STANLEY, an individual.

Defendants

Case No.: 2:23-cv-00428-CDS-BNW

**STIPULATION AND ORDER TO DISMISS WITHOUT PREJUDICE PURSUANT TO FED.R.CIV.PRO. 41(a)(1)(A)(ii) DEFENDANTS, RENEWABLE ENERGY PARK LLC, REP NOTE HOLDERS LLC, STEPHEN HOSHIMI, KEVIN ANNIS AND KAYA STANLEY;**

**DISMISSAL WITHOUT PREJUDICE PURSUANT TO FED.R.CIV.PRO. 41(a)(1)(A)(ii) DEFENDANT TERRASCALE, INC.**

Pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii), Plaintiff, THE PULIZ COMPANIES, INC. (“Puliz”), and Defendants, KEVIN ANNIS and KAYA STANLEY (collectively, the “Annis/Stanley Parties”), RENEWABLE ENERGY PARK LLC, a Wyoming limited liability company, REP NOTE HOLDERS LLC, a Wyoming limited liability company, and STEPHEN HOSHIMI, (collectively, the “Hoshimi Parties”) by and through their respective attorneys of record, hereby stipulate and agree to dismiss without prejudice all claims for

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1 relief asserted by the Complaint filed by Puliz on March 22, 2023 (ECF No. 1) against the  
2 Annis/Stanley Parties and the Hoshimi Parties.

3 Pursuant to Fed.R.Civ.Pro. 41(a)(1)(A)(i), Puliz also dismisses without prejudice,  
4 Defendant, Terrascale, Inc., a Delaware corporation (“Terrascale”), the remaining defendant  
5 named in the Complaint. Dismissal without prejudice under Fed.R.Civ.Pro. 41(a)(1)(A)(i)  
6 with respect to Terrascale is appropriate because Terrascale has not appeared in this action  
7 or filed an answer, motion for summary judgment, or other responsive pleading in this  
8 action.

9 Dismissal without prejudice of the Annis/Stanley Parties and Hoshimi Parties is  
10 made pursuant to Fed.R.Civ.Pro. 41(a)(1)(A)(ii) based upon the following:

- 11 1. On March 22, 2023, Puliz filed its Complaint in this action (ECF No. 1).
- 12 2. On May 16, 2023, the Hoshimi Parties filed an Answer to the Complaint  
13 (ECF No. 15).
- 14 3. On June 7, 2023, the Annis/Stanley Parties filed a Motion to Dismiss  
15 Plaintiff’s Federal Claims (Brought Under Sections 12(A)(1) and 12(A)(2) of the Securities  
16 Act of 1933) (the “Motion to Dismiss”) (ECF No. 21).
- 17 4. On June 14, 2023, the Hoshimi Parties filed a Joinder to the Motion to  
18 Dismiss (ECF No. 22).
- 19 5. Upon entry of this Stipulation and Order, the Motion to Dismiss and Joinder  
20 will be vacated.

21  
22 IT IS FURTHER STIPULATED AND AGREED that Puliz, the Annis/Stanley  
23 Parties, and the Hoshimi Parties will bear their own costs and attorneys’ fees incurred in  
24 relation to the proceedings before this Court.

25 IT IS FURTHER STIPULATED AND AGREED that Puliz, the Annis/Stanley  
26 Parties, and the Hoshimi Parties reserve all rights against all other parties with regard to any  
27 claims dismissed herein.

Respectfully submitted this 20<sup>th</sup> day of July, 2023.

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**ORDER**

In accordance with the parties' joint stipulation, IT IS THEREFORE ORDERED that all defendants are dismissed from this case, and the stipulation to dismiss is GRANTED. The pending motion to dismiss (ECF No. 21) is DENIED as moot. The Clerk of Court is directed to CLOSE THIS CASE.

**IT IS SO ORDERED.**

  
Cristina D. Silva  
United States District Judge

DATED: July 21, 2023